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Comments to the USCG Docket (USCG-2001-10486) - 19
"Standards for Living Organisms in Ship's Ballast Water Discharged in U.S. Waters"
by the National Association of Maritime Organizations
June 3, 2002

Thank you for the opportunity to comment on the USCG Docket regarding a ballast water treatment goal and an interim ballast water treatment standard. We recognize that NISA of 1996 requires U.S. Coast Guard to regulate ballast water management practices to prevent the discharge of shipborne ballast water into U.S. waters. The National Association of Maritime Organizations (NAMO) would like to take this opportunity to record our support that regulation of ballast water should remain with the U.S. Coast Guard. There are many aspects to ballast water and tank management that directly relate to the safety and operation of commercial cargo vessels and for which Coast Guard has a better grasp than other federal agencies.

NAMO also recognizes that voluntary guidelines for ballast water exchange outside of the Great Lakes has not been sufficient in supporting ballast exchange practices and that US Coast Guard may require mandatory exchange for all coast lines of the United States. There is currently a burden on USCG to monitor/sample ballast water of vessels entering the Great Lakes. Recognizing that USCG resources are heavily taxed at this time with national security priorities, we would expect that USCG cannot have a similar monitoring program everywhere in the United States. We strongly suggest that USCG discuss with NAMO ways in which ballast water exchange can be reported to you by NAMO and/or its members. Headquarters has already begun discussion with some of our members to provide vessel arrival information. It is logical that our Association can provide ballast exchange information as well.

The quantification of the effectiveness of ballast water is extremely important in the process of determining treatment standards. First, ballast water has not been studied enough to understand its effectiveness and we are not sure that a ship board technology can be correlated accordingly. We understand that the goal of this comment request is to refocus on possible new technologies rather than on ballast water exchange. However, it is important to recognize that ballast water exchange and the addition of enhanced ballast tank management may be quite effective as an interim treatment. It may also reduce the risk of invasions sufficiently for long-term use when coupled with an assessment of the source of ballast water and its elimination location.

As USCG well knows, there is considerable pressure from individual coastal states to deal with this issue now. Because of this concern, many states are initiating or have completed their own ballast water legislation which often calls for unrealistic requirements regarding ballast water and often include the word "sterilization." Very initial results of a study being performed by NOAA's Great Lakes Environmental Research Lab indicate that salinity levels from exchange may significantly reduce the number of live critters left in a tank. A study being conducted at the same time under the auspices of Sea Grant indicate that a vessel captain that "manages" his ballast tank exchanges throughout a voyage can significantly reduce the amount of sediment and negative life forms left in a tank. Certainly this research needs to be completed. But, NAMO strongly recommends that USCG consider whole vessel tank management as an immediate way to address this crisis. It is quick and may be extremely effective.

NAMO does not feel qualified as a maritime operations organization to address whether 95% removal or kill rate is appropriate. We do believe, however, that salinity range should still be considered in the analysis because of the ease with which it can be tested, particularly with the initial study results which may indicate its effectiveness. We do not believe that organism size should be the entire basis for a standard because it relies too heavily on filtration as the treatment method of choice.

With regard to technology development, there must be more incentive for vessel owners to undertake treatment research. There is real truth to the adage that "the way to make a small fortune in shipping is to start with a large fortune." The maritime industry is burdened with more and more government regulations and requirements. Costs are skyrocketing. The GAO reported in 2000 that vessels pay 127 different user fees already. The world market for shipping is so competitive that cargo loads can be won or lost on pennies to the ton, particularly in the bulk trades. The range of costs as listed in the propose rule for different technology treatments are extreme. We will find that many owners/operators will opt out of the U.S. trade which will cause a rise in freight rates. NAMO is very supportive of addressing this technology swiftly and effectively but costs are essential to the discussion. Therefore, we strongly recommend that should a treatment technology be purchased and installed on a vessel, there must be at least a ten year grandfathering of that vessel before a new technology - based on a new standard - is required to be installed again in order for the operator to recoup his/her investment.

We thank you for the opportunity to comment. Serious additional study needs to be done on ballast water and tank management to more fully address long-term and interim measures. NAMO and its members are available for further discussion.

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